

TOWN OF HOPEDALE
SPECIAL TOWN MEETING WARRANT

Monday, November 14, 2022
7:00 PM

Worcester SS: To the Constables in the Town of Hopedale in the County of Worcester.

Greetings: In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Hopedale qualified to vote in town affairs to meet in the Dennett Auditorium of the Junior/Senior High School located at 25 Adin Street, Hopedale, MA 01747, on Monday, November 14, 2022, at 7:00 pm, then and there to act on the following articles:

ARTICLE 1: Prior Year Bills

To see if the Town will vote to transfer from current year expense funds, the sums of money necessary to pay the prior year bills remaining from FY22 or before, or take any other action related thereto.

MOTION: Move the Town vote to transfer from current year expense funds, the sums of money listed below, necessary to pay prior year bills as identified.

\$30.00	Verizon Wireless	Manager acct# 01-123-5200-5341
\$359.94	W.B. Mason	Manager acct# 01-123-5400-5420
\$132.92	W.B. Mason	Manager acct# 01-123-5400-5420
\$199.95	W.B. Mason	Manager acct# 01-123-5400-5420
\$1,097.16	Gatehouse Media MA	Planning Board, acct #, acct# 01-175-5700-5780
\$510.14	Eco Systems Pest Control	Public Buildings, acct# 01-192-5400-5430
\$709.50	Dell Technologies	Ambulance, acct# 01-231-5700-5780
\$125.00	Imperial Chevrolet	Highway, acct #01-422-5200-5240
\$700.00	Compliance Testing Services, Inc.	Highway, acct #01-422-5200-5380
\$150.50	RI Analytical	Water Dept, acct# 20-450-5200-5313
\$115.50	RI Analytical	Water Dept, acct# 20-450-5200-5313
\$1.30	Verizon Wireless	Water Dept, acct# 20-450-5200-5341
\$15.87	Verizon Wireless	Water Dept, acct# 20-450-5200-5341

9/10ths Vote Required

Submitted by: Select Board / Department Heads & Other Boards/Committees

Commentary: This article will authorize payment of bills that were incurred during previous fiscal years. Since the account for prior fiscal years has been closed out, it is necessary to pay the amounts, if approved, from currently available funds. A 90% majority will be required for approval.

ARTICLE 2: Hopedale Fire Fighters Collective Bargaining Agreement

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of

money to fund and implement the cost items of the first year of a collective bargaining agreement between the Town and the Hopedale Fire Fighters IAFF Local 2225 covering the period of July 1, 2021 through June 30, 2024, or take any other action relative thereto.

MOTION: Move the Town vote to raise and appropriate the sum of \$79,202; the sum of \$43,777 to be added to Fire Salaries & Wages Permanent and the sum of \$35,425 to be added to Ambulance Salaries & Wages Permanent; to fund and implement the cost items of the first year of a collective bargaining agreement between the Town and the Hopedale Fire Fighters IAFF Local 2225 covering the period of July 1, 2021 through June 30, 2024.

Submitted by: Select Board

Commentary: Required by MGL, 150E, §7, article is necessary to approve the cost items within a newly signed collective bargaining agreement.

ARTICLE 3: Capital Funding Article

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, including Stabilization, sums of money to fund equipment and capital purchases, or take any other related action thereto.

MOTION: Move to pass over.

Submitted by: Finance Committee (on behalf of the Capital Improvement Planning Committee)

Commentary: Given the recent funding of capital items using ARPA funds, the Fin Com will recommend capital items for funding later this fiscal year.

ARTICLE 4: Board of Health Expenses

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to adjust the Board of Health Expenses for FY23, or take any other action related thereto.

MOTION: Move the Town vote to raise and appropriate, the sum of \$42,520 to be added to the Board of Health Expenses for FY23, into the account line titled “Other Property Services”.

Submitted by: Board of Health/Town Administrator

Commentary: This article will provide additional funds for trash/recycling services.

ARTICLE 5: Police Detail Expenses

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of \$11,000 to the Highway Department Other Personal Services account and a sum of \$4,000 to the Election Wages account, for a total sum of \$15,000, to cover the cost of police details for FY23, or take any other action related thereto.

MOTION: Move the Town vote to raise and appropriate the sum of \$15,000; the sum of \$11,000 to be added to the Highway Department, Other Personal Services account and the sum of \$4,000 to be added to the Elections account to cover the cost of police details for FY23.

Submitted by: Select Board

Commentary: This article will provide funds for police details for Highway Department work and for Town Elections.

ARTICLE 6: Health Insurance Expenses

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to adjust the Town's Health Insurance Expenses account for FY23, or take any other action related thereto.

MOTION: Move the Town vote to raise and appropriate the sum of \$100,000, and transfer from Free Cash, the sum of \$300,000, for a total sum of \$400,000, to supplement the FY23 budget for the Town's Health and Life Insurance account as voted in Article 3 of the May 24, 2022 Annual Town Meeting.

Submitted by: Town Administrator

Commentary: This article will provide additional funds for group insurance benefits for employees and retirees.

ARTICLE 7: Fire/EMS Department Salaries/Expenses

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to supplement the FY23 salary and/or expense budgets of the Fire Department as voted in Article 3 of the May 24, 2022 Annual Town Meeting, or take any action relative thereto.

MOTION: Move the Town vote to raise and appropriate the sum of \$34,512, the sum of \$22,012 to supplement the FY23 Salaries & Wages Permanent account and the sum of \$12,500 to supplement the FY23 Repair and Maintenance of the Fire Department as voted in Article 3 of the May 24, 2022 Annual Town Meeting.

Submitted by: Fire Chief/Select Board

Commentary: This article will provide additional funds for the Fire/EMS Department.

ARTICLE 8: Add Juneteenth to Legal Holidays

To see if the Town will vote to amend the Town of Hopedale MA General Law, Chapter 137, titled Personnel, by amending Article 2, Section 25 to add "Juneteenth" to holidays listed, between Memorial Day and Independence Day, or take any other action relative thereto.

MOTION: Move the Town vote to amend the Town of Hopedale MA General Law, Chapter 137, titled Personnel, by amending Article 2, Section 25 to add "Juneteenth" to holidays listed, between Memorial Day and Independence Day.

Submitted by: Select Board

Commentary: This is adding Juneteenth to the legal holiday list in the Personnel bylaw. The state legislature amended the statutory definition of "legal holiday" in G.L. c. 4, §7(18) to include June 19th. Section 12 of G.L. c. 136 states that "public offices shall be closed on all legal holidays ..." Section 13 of the same chapter requires state holidays that fall on a Sunday be observed on a Monday (but does not mandate that holidays falling on a Saturday be observed on the preceding Friday, a common practice in many towns). The requirement to close Town

offices on legal holidays does not pertain to public safety offices (i.e. police, fire, dispatch, EMS).

ARTICLE 9: Fire/EMS Exempt from Civil Service

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation providing that all positions in the Fire Department after passage of the Act not be subject to the Civil Service statute, all as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Select Board to approve such amendments:

AN ACT EXEMPTING ALL POSITIONS IN THE FIRE DEPARTMENT OF THE TOWN OF HOPEDALE FROM THE CIVIL SERVICE LAW

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, all positions in the fire department of the town of Hopedale shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. Notwithstanding the provisions of Section 2, no appointments or promotions made after the effective date of this act will be governed in any way by chapter 31 of the General Laws.

SECTION 4. This act shall take effect upon its passage.

MOTION: Move the Town vote to authorize the Select Board to petition the General Court for special legislation providing that all positions in the Fire Department after passage of the Act not be subject to the Civil Service statute, all as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Select Board to approve such amendments:

AN ACT EXEMPTING ALL POSITIONS IN THE FIRE DEPARTMENT OF THE TOWN OF HOPEDALE FROM THE CIVIL SERVICE LAW

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, all positions in the fire department of the town of Hopedale shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. Notwithstanding the provisions of Section 2, no appointments or promotions made after the effective date of this act will be governed in any way by chapter 31 of the General Laws.

SECTION 4. This act shall take effect upon its passage.

Submitted by: Select Board

Commentary: By exempting the Fire/EMS Department, it will allow more flexibility in personnel matters while still ensuring the protections by incorporating into contracts.

ARTICLE 10: Amend Hopedale Zoning Bylaw

To see if the Town vote to amend the Zoning Map of the Town, as it is established and referenced in Section 3.2 (Location of Districts) of the Zoning Bylaw, to change the zoning for the following fourteen (14) parcels from General Business (GB-A) to Commercial (C), the complete text and maps relative to such changes being available for inspection in the Town Clerk's office, or take any other action act relative:

1. 24-31-2, 10 Charlesview Road
2. 24-36-0, 404 South Main Street
3. 24-37-0, 144 Hartford Avenue
4. 24-38-0, 1 Charlesview Road
5. 24-39-0, 3 Charlesview Road
6. 24-40-0, 5 Charlesview Road
7. 24-41-0, 7 Charlesview Road
8. 24-42-0, 8 Charlesview Road
9. 24-43-0, 6 Charlesview Road
10. 24-44-0, 4 Charlesview Road
11. 24-45-0, 150 Hartford Avenue
12. 24-45-1, 156 Hartford Avenue
13. 24-55-2, 4 Evergreen Lane
14. 24-55-3, 2 Evergreen Lane

2/3rds Vote Required.

Submitted by: Planning Board

MOTION: Move the Town vote to amend the Zoning Map of the Town, as it is established and referenced in Section 3.2 (Location of Districts) of the Zoning Bylaw, to change the zoning for the following eleven (11) parcels from General Business (GB-A) to Commercial (C), the map relative to such changes being available for inspection in the Town Clerk's office, and attached as Appendix A. And further the Town Clerk is authorized to renumber any subsections necessary to insert this amendment into the Zoning Bylaw.

1. 24-31-2, 10 Charlesview Road
2. 24-36-0, 404 South Main Street
3. 24-37-0, 144 Hartford Avenue
4. 24-38-0, 1 Charlesview Road
5. 24-39-0, 3 Charlesview Road

6. 24-40-0, 5 Charlesview Road
7. 24-41-0, 7 Charlesview Road
8. 24-45-0, 150 Hartford Avenue
9. 24-45-1, 156 Hartford Avenue
10. 24-55-2, 4 Evergreen Lane
11. 24-55-3, 2 Evergreen Lane

2/3rds Vote Required.

Submitted by: Planning Board

ARTICLE 11: Amend Hopedale Zoning Bylaw to Create Marijuana Overlay District

To see if the Town vote to amend the Zoning Map of the Town, as it is established and referenced in Section 3.2 (Location of Districts) of the Zoning Bylaw, to create a Marijuana Overlay District, the complete text and map relative to such overlay district being available for inspection in the Town Clerk's office, or take any other action related thereto.

MOTION: Move the Town vote to amend the Zoning Map of the Town, as it is established and referenced in Section 3.2 (Location of Districts) of the Zoning Bylaw, and to adopt a new Article of the Zoning Bylaw entitled "Marijuana Overlay District", the complete Article text and map relative to such overlay district map as shown on Appendix B. And further the Town Clerk is authorized to renumber any subsections necessary to insert this amendment into the Zoning Bylaw.

2/3rds Vote Required.

Submitted by: Planning Board

ARTICLE 12: Reserve Fund Transfer to Planning Board Salaries

To see if the Town will vote to transfer a sum of money from the Reserve Fund account to the Planning Board Salaries and Wages Permanent account, or take any other action related thereto.

MOTION: Move the Town vote to transfer the sum of \$75,000 from the Finance Committee Reserve Fund to the Planning Board Salaries and Wages Permanent account, to provide funding to hire Town Planner.

Submitted by: Select Board

Commentary: This article will move funding that was already authorized by Town Meeting from the Finance Committee Reserve Fund to an account line in the Planning Board budget so the position of Town Planner can be filled.

ARTICLE 13: To see if the Town will vote to amend the Zoning Bylaw: Section 12. 12, Non-Medical Marijuana Retailers, to prohibit the issuance of Special Permits allowing the physical locating and operation of Retail Marijuana Establishments, as defined under G.L. c94G 1, on a parcel which is within one thousand (1000) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the

Retail Marijuana Establishment is or will be located) of a parcel occupied by another licensed Retail Marijuana Establishment, or act on anything relating thereto?

Submitted by: **Citizen's Petition**

ARTICLE 14: This change would alter the restriction against curbside transactions for a Cannabis Retailer. This change would allow Cannabis Retailers to do curbside transactions ONLY in the following scenario:

1. The State of Massachusetts changes the law back to allow curbside transactions because of shutdowns preventing customers to enter a Retail Cannabis store. This happened in 2020 due to the COVID-19 pandemic.
2. Assuming condition 1 has been met, an actual shutdown of Cannabis Retailers has been ordered either at the town or state level. This shutdown would prevent customers from entering a retail store. A restriction on the number of occupants would NOT allow curbside operations to commence, only the inability of any customers to enter the store.

Curbside transactions are currently not allowed by the State. This petition is focused on a time in the future if curbside transactions are allowed again. All retailers would have this right to do curbside transactions regardless of Special Permit conditions in play when there is not a shutdown. Once a shutdown order has been ended, Retailers would then immediately discontinue curbside transaction activities.

Submitted by: **Citizen's Petition**

Funding Sources:

R&A: \$271,234

Article 2: \$79,202

Article 4: \$42,520

Article 5: \$15,000

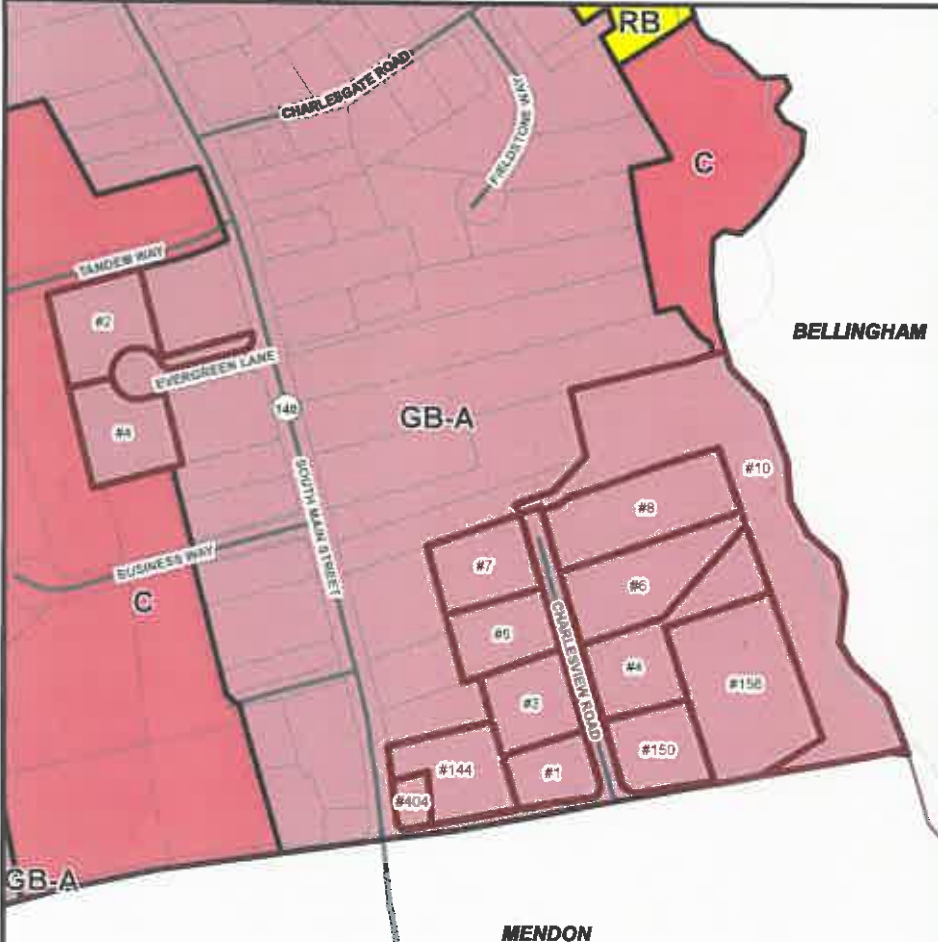
Article 6: \$100,000

Article 7: \$34,512

Free Cash: \$300,000

Article 6: \$300,000

Existing Zoning



- Parcels:**
- | | | |
|-----------------------------------|---------------------------------|----------------------------------|
| 1. 24-31-2, 10 Charlesview Road | 6. 24-40-0, 5 Charlesview Road | 11. 24-45-0, 150 Hartford Avenue |
| 2. 24-36-0, 404 South Main Street | 7. 24-41-0, 7 Charlesview Road | 12. 24-46-1, 156 Hartford Avenue |
| 3. 24-37-0, 144 Hartford Avenue | 8. 24-42-0, 8 Charlesview Road | 13. 24-55-2, 4 Evergreen Lane |
| 4. 24-38-0, 1 Charlesview Road | 9. 24-43-0, 6 Charlesview Road | 14. 24-55-3, 2 Evergreen Lane |
| 5. 24-39-0, 3 Charlesview Road | 10. 24-44-0, 4 Charlesview Road | |

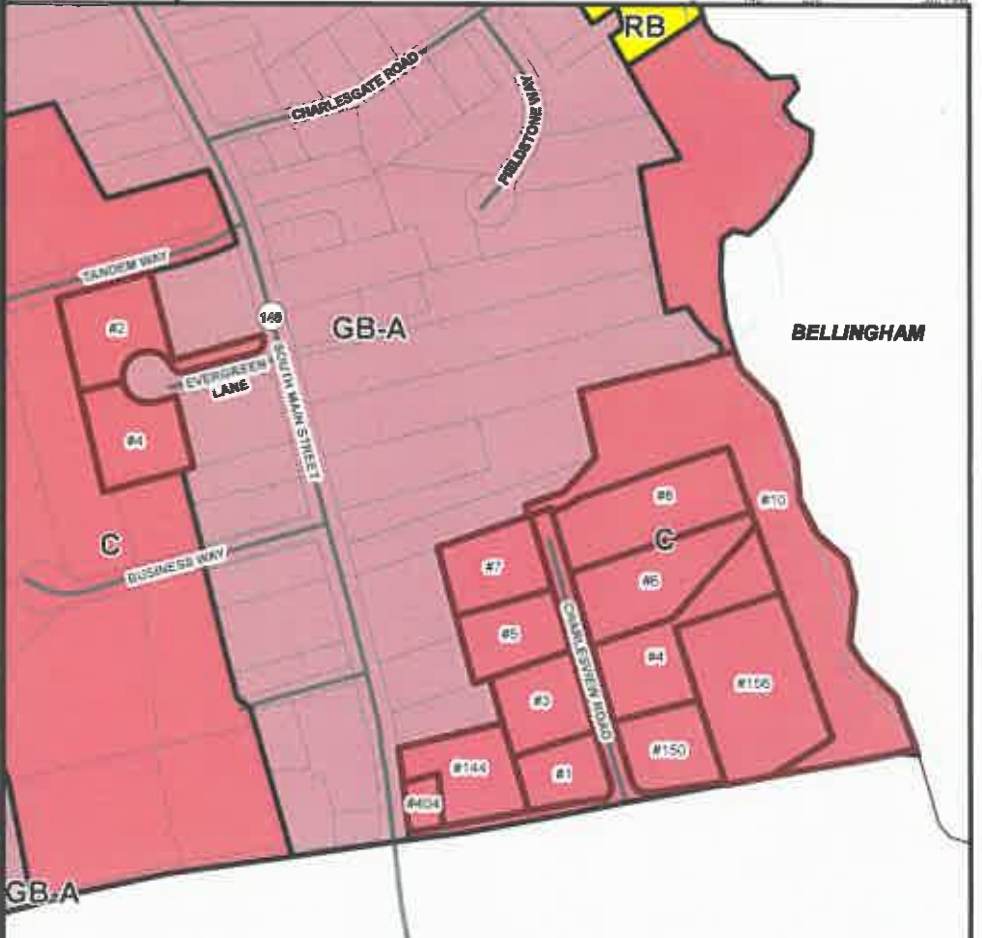


Legend

Proposed Zoning Change Parcels	Commercial (C)	General Business A (GB-A)
	Residential B (RB)	

APPENDIX A

Proposed Zoning



- Parcels:**
- | | | |
|-----------------------------------|---------------------------------|----------------------------------|
| 1. 24-31-2, 10 Charlesview Road | 6. 24-40-0, 5 Charlesview Road | 11. 24-45-0, 150 Hartford Avenue |
| 2. 24-36-0, 404 South Main Street | 7. 24-41-0, 7 Charlesview Road | 12. 24-46-1, 156 Hartford Avenue |
| 3. 24-37-0, 144 Hartford Avenue | 8. 24-42-0, 8 Charlesview Road | 13. 24-55-2, 4 Evergreen Lane |
| 4. 24-38-0, 1 Charlesview Road | 9. 24-43-0, 6 Charlesview Road | 14. 24-55-3, 2 Evergreen Lane |
| 5. 24-39-0, 3 Charlesview Road | 10. 24-44-0, 4 Charlesview Road | |

**Proposed Zoning Change
GB-A District to
Commercial District**

Source: Data: Town of Hopdale, CMRPC, massDOT, MassGIS.
Information depicted on this map is for planning purposes only. This information is not adequate for legal conveyance, regulatory interpretation, or parcel-level analysis.

ARTICLE XXX – Marijuana Overlay District Bylaw

Section XXX – Purpose

The purpose of the Marijuana Overlay District Bylaw is to provide for the placement of Medical Marijuana Treatment Centers (“MMTCs”) and Adult Use Marijuana Establishments (“MEs”) in locations suitable for such uses in accordance with G.L. c. 94G and all applicable regulations, including 935 CMR 500.000 and 935 CMR 501.000, in order to support the public’s right to access marijuana and marijuana products while mitigating community impacts and protecting public health, safety and welfare.

Section XXX – Establishment

The Marijuana Overlay District (“MOD”) is hereby established as an overlay district and consists of the areas(s) shown on the map entitled Proposed Marijuana Overlay District, Town of Hopedale, Massachusetts, Produced by CMRPC, on file with the Town Clerk, as it may be amended from time to time.

Within the MOD, all requirements of the underlying zoning district shall remain in effect, except where these regulations provide an alternative to such requirements. Land within the MOD may be used for a (1) MMTC; and (2) any state-licensed MEs, including Marijuana Cultivator (indoor or outdoor), Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Research Facility, Independent Marijuana Testing Laboratory, Marijuana Transporter, Craft Marijuana Cooperative, Marijuana Micro Business, and Marijuana Delivery Licensee, in which case the requirements set forth in this section shall apply; or (3) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MOD conflict with the requirements of the underlying district, the requirements of the MOD shall control.

Section XXX – Definitions

1. Where not expressly defined in the Zoning Bylaws, terms used in the MOD Bylaw shall be interpreted as defined in G.L. c.94G, § 1 and the regulations governing Adult Use of Marijuana (935 CMR 500.000), Medical Marijuana (935 CMR 501.000) and otherwise by their plain language.

Section XXX – Limitation and Prohibitions

1. Retail Establishments: No more than four (4) Marijuana Retailers shall be permitted within the Town of Hopedale.
2. Social Consumption Establishments: No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises of any MMTC or ME. The prohibition on on-site consumption shall also include private social clubs or any

other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.

Section XXX– Location and Dimensional Controls

1. MMTCs and MEs may be permitted in the MOD pursuant to a Special Permit and Site Plan Approval.
2. MMTCs and Marijuana Establishments may not be located within 500 feet of the pre-existing public or private school providing education in kindergarten or grades 1 through 12, the Draper Gym, public or private libraries, the Hopedale Community House, Draper Field, Phillips Field, or the Hopedale Town Park.

The distance under this section shall be measured in a straight line from the geometric center of the ME or MMTC Entrance to the geometric center of the nearest School Entrance, unless there is an Impassable Barrier within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the ME or MMTC Entrance to the geometric center of the nearest School Entrance.

3. Cultivation and Product Manufacturing Establishments located within the MOD shall be separated from adjacent uses by a 100-foot buffer strip, unless the applicant can demonstrate, and the Planning Board finds, that adequate buffering can be provided in a narrower buffer strip.
4. All aspects of a MMTCs and MEs relative to the cultivation, possession, processing, distribution, dispensing or administration of marijuana, marijuana products, or related supplies must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the building. All sales shall be conducted either within the building or by home delivery pursuant to applicable state regulations.
5. MMTCs and MEs shall be located only in a permanent building and not within any mobile facility, storage freight container, or other similar movable enclosure, unless operating as a licensed Marijuana Transporter or Marijuana Delivery Licensee.
6. Unless explicitly stated otherwise, MMTCs and MEs shall conform to the dimensional requirements applicable to non-residential uses within the underlying zoning district.
7. All MMTCs and MEs shall conform to the signage requirements of the Zoning Bylaw. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.
8. No drive-through services shall be permitted at a MMTCs and MEs.

Section XXX – Special Permit

1. Procedure: The Planning Board shall be the Special Permit Granting Authority (SPGA) and the Planning Board shall conduct Site Plan Review for an applicant for a MMTC or ME.
 - a. Application: In addition to the materials submission requirements of Sections 18 and 10.6 of this Bylaw, the applicant shall also include:
 - i. A detailed floor plan of the premises of the proposed MMTC or ME that identifies the square footage available and describes the functional areas of the facility;
 - ii. Detailed site plans that include the following information:
 1. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this Bylaw;
 2. Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress for clients and employees arriving to and from the site;
 3. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;
 4. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the site, including designated parking for home delivery vehicle(s), as applicable;
 5. Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site.
 6. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 7. Adequacy of water supply, surface and subsurface drainage and light.
 - iii. A description of the security measures, including employee security policies;
 - iv. A copy of the emergency procedures;
 - v. A copy of proposed waste disposal procedures;

- vi. A copy of all licensing materials issued by the Cannabis Control Commission and any materials submitted to the Cannabis Control Commission by the applicant for purposes of seeking licensing to confirm that all information provided to the Town is consistent with information provided to the Cannabis Control Commission;
 - vii. A copy of an odor control plan that provides for proper and adequate ventilation at MMTCs and MEs in such a manner so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing and/or keeping of marijuana or marijuana related products from being dispersed or released outside the facilities and to prevent odor from marijuana or its processing from being detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of such facility or at any adjoining use or property; and
 - viii. Evidence of the applicant's right to use the proposed site for the MMTC or ME, such as a purchase and sale agreement, deed, owner's authorization, or lease.
- b. The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department and the Water and Sewer Department. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.
 - c. After notice and public hearing in accordance with Section 10.9 of the Bylaw and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA may act upon such a permit and request for site plan approval.
2. Special Permit Findings: In addition to the standard findings for special permit set forth in Section 10.6, the SPGA shall not issue a special permit for a MMTC or MC unless it makes the following findings:
- a. The MMTC or ME does not derogate from the purposes and intent of this Section and the Zoning Bylaw.
 - b. The proposed MMTC or ME is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
 - c. The applicant demonstrates that the MMTC or ME will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations;
 - d. The security plan provides sufficient assurance that adequate security controls will be implemented to ensure the protection of the public health and safety during hours of

- operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery.
- e. The odor control plan proposed adequately provides for the ongoing safe operation of the MMTC or ME and minimizes any adverse impacts to abutting properties from odor-emitting activities to be conducted on-site.
 - f. The proposed design and operation of the MMTC or ME will meet the requirements of this Bylaw.
3. Special Permit Conditions on MMTCs and MEs: The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant’s MMTC or ME, the SPGA may include the following conditions in any special permit granted under this Bylaw:
- a. Hours of Operation, but if none are specified in the special permit, hours of operation for retail sales shall be limited to 8:00 a.m. – 10:00 p.m.
 - b. The use shall not generate outside odors from the cultivation or processing of marijuana and marijuana products.
 - c. A Security Plan shall be required for all MMTC and MEs, which shall be subject to approval by the Hopedale Fire and Police Chiefs and submitted to the SPGA.
 - d. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
 - e. MMTCs and MEs may not operate, and the special permit will not be valid, until the applicant has obtained all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the facility.
 - f. A special permit granted under this Section shall have a term limited to the duration of the applicant’s ownership and use of the premises as a MMTC or ME. A special permit may be transferred only with the approval of the SPGA in the form of an amendment to the special permit.
 - g. The special permit shall lapse upon the expiration or termination of the applicant’s license by the Cannabis Control Commission.

- h. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the MMTC or ME's expiration or termination of the permit holder's license with the Cannabis Control Commission

Section XXX – Prohibition Against Nuisances

No use shall be allowed in the MOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

Section XXX – Curbside Retail Operations

Notwithstanding anything to contrary set forth within this Bylaw, if and only if (a) the Commonwealth of Massachusetts allows Marijuana Retailers to conduct curbside retail sales and (b) there is a government-ordered shutdown (of a like nature to that which occurred during the COVID-19 pandemic) which prevents customers of Marijuana Retailers from entering the premises of such Marijuana Retailers, then curbside retail transactions shall be allowed only to the extent permitted by Massachusetts laws and regulations; provided however, that the Marijuana Retailer shall first notify the Hopedale Chief of Police of its intent to conduct curbside retail operations not less than ten (10) days prior to the commencement of such operations and shall comply with reasonable safety measures and other restrictions imposed by the Chief of Police. . Such measures and restrictions may include, but shall not be limited to, the implementation of mitigation plans to help ensure that the curbside operations do not block traffic, sidewalks, or result in increased lines or crowds. Curbside operations must occur on the licensed premises and shall be located so as to minimize compromises to security, taking into consideration camera locations, foliage or other obstructions, proximity to the MMTC or ME entrance and similar considerations.

Section XXX – Severability

The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.



TOWN OF HOPEDALE PLANNING BOARD

78 Hopedale Street - P.O. Box 7
Hopedale, Massachusetts 01747

Tel: 508-634-2203 X305 Fax: 508-634-2200

November 11, 2022

Ms. Diana Schindler
Town of Hopedale
78 Hopedale Street, P.O. Box 7
Hopedale, MA 01747

Re: Proposed Amendments to Zoning By-Law and Map

Dear Ms. Schindler:

Please allow this correspondence to serve as a report from the Planning Board with recommendations relative to the various proposed amendments to the Town's Zoning By-Laws and Zoning Map for which Public Hearings were held this year. Each such proposal is addressed below in turn.

1. Proposed Amendment to Hopedale Zoning Map Submitted by Planning Board Seeking to Change Various Parcels from GB-A Zoning to Commercial Zoning

The Planning Board's Public Hearing on this matter was closed and voted upon at the Planning Board's October 19, 2022 meeting. The Board voted unanimously in favor of the measure and to recommend to Town Meeting that the measure receive a favorable vote.

2. Proposed Amendment to Hopedale Zoning By-Laws and Adoption of Zoning Map Submitted by Planning Board Seeking to Create a Marijuana Overlay District

The Planning Board's Public Hearing on this matter was closed and voted upon at the Planning Board's October 19, 2022 meeting. The proposed By-Law amendment and Overlay District Zoning Map are the culmination of related Public Hearings regarding a proposed buffer zone between non-medical marijuana retailers, as well as joint public meetings with the Select Board and Development and Industrial Commission, all resulting in a stated desire to comprehensively address the subject of cannabis regulation in the Town of Hopedale via a Zoning Bylaw amendment and Overlay District Map drafted with input from the public and the assistance of Town Counsel, which is what occurred. On October 19, 2022, the Planning Board voted unanimously in favor of adopting the proposed By-Law and Overlay District Map and to recommend to Town Meeting that the measure receive a favorable vote.

3. Proposed Amendment to Hopedale Zoning By-Laws submitted by Citizen's Petition to create a 1,000 Foot Buffer Zone Between Non-Medical Marijuana Retailers

The Planning Board's Public Hearing on this matter was closed and voted upon on August 3, 2022. The Board voted unanimously to recommend that Town Meeting vote against this measure.

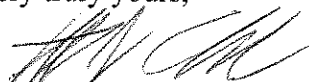
4. Proposed Amendment to Hopedale Zoning By-Laws submitted by Citizen's Petition to Permit curbside transactions during government shutdowns to the extent Massachusetts law then permits curbside retail transactions

The Planning Board's Public Hearing on this matter was closed and voted upon on October 5, 2022. The Planning Board, believing that it was prepared to address the issue in a manner consistent with the Citizen's Petition within its own proposed Zoning By-law amendment, voted unanimously in favor of the measure to the extent it is not in conflict with the corresponding provision within the Planning Board's proposed Zoning By-Law Amendment seeking to establish a Marijuana Overlay District. The Board was hopeful that Town Meeting would adopt the Marijuana Overlay District Map and corresponding Zoning By-Law amendment put forth by the Planning Board, and thus render the Citizen's Petition moot.

5. Proposed Amendments to the Hopedale Zoning Map Submitted under M.G.L. c. 40A, § 5 to Convert 150-156 Hartford Avenue from GB-A to Commercial Zoning

The Planning Board's Public Hearing on this matter was closed and voted upon on June 17, 2022. The Board voted unanimously in favor of the measure and recommended that Town Meeting vote favorably. The Board is hopeful that Town Meeting will vote favorably on the Board's request to change multiple parcels from GB-A to Commercial zoning, including those included in this requested zoning change, and in doing so, render this requested zoning change moot.

Very truly yours,



Stephen J. Chaplin, Chairperson
Hopedale Planning Board